



1645/Seq

Docket No: 70281/55,986

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: S. Yamamoto, et al.

Examiner: Unassigned

Serial No: 09/879,257

Group: 1645

Filed: June 12, 2001

For: HYBRID ENZYME AND USE THEREOF

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on September 26, 2001.

By: _____

Donna M. Tomaso

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL LETTER

Applicants submit the following documents as follows:

1. Submission Of "Sequence Listing", Computer Readable Copy, And/Or Amendment Pertaining Thereto For Biotechnology Invention Containing Nucleotide And/Or Amino Acid Sequence (Transmittal);
2. Copy of Notice To Comply with Requirements for Patent Applications Containing Nucleotide Amino Acid Sequence Disclosures dated July 26, 2001;
3. 3.5" Floppy Disk Containing the Sequence Listing,

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Page 2

4. Statement In Support Of Filing And Submission In Accordance With 37 CFR §§1.821-1.825 And Sequence Listing Computer Printout;
5. Preliminary Amendment and Substitute Pages (Sheets 1-20).

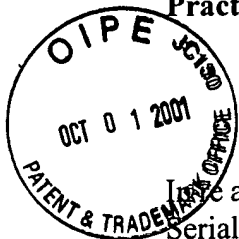
Respectfully submitted,

Date: September 26, 2001

By: 

Cara Z. Lowen
Reg. No. 38,227
Attorney for Applicant(s)

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
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(617) 517-5536
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Practitioner's Docket No. 70281/55,986

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

OCT 03 2001

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Inventor application of: S. Yamamoto, et al.
Serial No.: 09/879,257
Filed: June 12, 2001
For: HYBRID ENZYME AND USE THEREOF

Box Sequence

Assistant Commissioner for Patents
Washington, D.C. 20231

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE**

(check and complete this item, if applicable)

1. ☒ This replies to the Office Letter DATED July 26, 2001.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

☒ A copy of the Office Letter is enclosed.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: September 26, 2001

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Donna M. Tomaso
(type or print name of person certifying)



IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Cara Z. Lowen

(type or print name of person signing below)

state the following:

ITEMS BEING SUBMITTED

3. Submitted herewith is/are

(check each item as applicable)

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
- B. ☒ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.:

Filed:

For:

Group No.:

Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form

(other application)

"Sequence Identifier"

(this application)

NOTE: *"If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall*

be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. 1.821(e).

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).

☒ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. § 1.821(b).

- F. ☒ Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821(g), a statement that the submission includes no new matter.

☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

(complete applicable item A and/or B)

- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

STATUS

5. Applicant is

- ☐ a small entity. A statement:
☐ is attached.
☐ was already filed.
- ☒ other than a small entity.

EXTENSION OF TERM

6.

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b) as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/>	one month	\$110.00	\$ 55.00
<input type="checkbox"/>	two months	\$390.00	\$ 195.00
<input type="checkbox"/>	three months	\$890.00	\$ 445.00
<input type="checkbox"/>	four months	\$1,390.00	\$ 695.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

(check and complete the next item, if applicable)

☐ An extension for one months has already been secured, and the fee paid therefor of \$110.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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FEE PAYMENT

8. ☐ Attached is a check in the sum of \$ _____.

☐ Charge Account No. _____ the sum of \$ _____.

A duplicate of this transmittal is attached.

FEE DEFICIENCY

9.

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

10. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

SIGNATURE(s)

Cara Z. Lowen

(type or print name of person signing statement)


Signature

September 26, 2001

Date

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
P.O. Address of Signatory
178417

(If applicable)

Tel. No.: (617) 439-4444

Reg. No. 38,227

- ☐ Inventor
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☒ Practitioner of record
- ☐ Filed under Rule 34(a)
- ☐ Registration No.
- ☐ Other

(specify identity of person signing)
(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

A "STATEMENT UNDER 37 C.F.R. 3.73(b)" is attached.

Assignment recorded in PTO on _____
Reel _____ Frame _

SIGNATURE OF PRACTITIONER

Reg. No.

(type or print name of practitioner)

Tel. No.: ()

P.O. Address

Customer No.:
178709

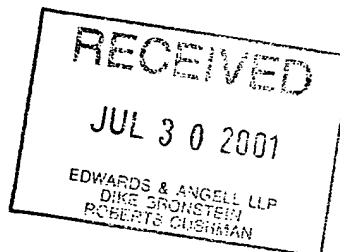


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/879,257	06/12/2001	Sachiko Yamamoto	70281-55986

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
PO BOX 9169
Boston, MA 02209



CONFIRMATION NO. 4822

FORMALITIES LETTER



OC00000006349919

Date Mailed: 07/26/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice **MUST** be returned with the

sequence listing
Edwards & Angell LLP
Dike, Bronstein, Roberts & Cushman
130 Water St. Boston, MA 02108

Date Rec'd. 7/30
Docketed For 26-762,201
By HNT
Approved 7/31/01 01241

A handwritten signature in black ink, appearing to be "R. Smith", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY